IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO :12158 of 1998

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Dated: 14th June 2007.

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Between:

Gondalakunta Dattatreya Rao, S/o B.Ramachandra Rao, aged 47 years, working as Watchman at Rice Godown, Porumanilla (Village & Mandal), Badvel (Tq.), Cuddapah District and another.

..... PETITIONERS

AND

The District Manager, Andhra Pradesh State Civil Supplies Corporation Limited, Cuddapah and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P.NO.12158 OF 1998

ORAL ORDER:

The two writ petitioners assert that they have been engaged in the 2nd respondent-Corporation and that they have been working on daily wage basis. Since they have put in considerably long service, they solicited that their cases shall be considered for regularisation in accordance with the scheme formulated by the State Government and published through G.O.Ms.No.212 Finance & Planning (FW.PC.III) Department dated 22-04-1994.

The State Government has taken a policy decision and framed a scheme for regularisation of services of such persons, who were appointed on daily wage basis, nominal muster rolls or on consolidated pay and issue certain guidelines for giving effect to the said scheme. It will be relevant to extract the salient features of the scheme, which are set out herein below:

> " Accordingly, Government after careful examination of the whole issue and in supersession of all previous orders on the subject including G.O.Ms.No.193, General Administration Department, dated 14-3-1990 and keeping in view the above judgment of Supreme Court of India, have formulated a scheme for regularisation of services of the persons appointed on Daily Wage/NMR or on consolidated pay

and are continuing on the date of commencement of the Act. Government accordingly decided that the services of such persons who worked continuously for a minimum period of 5 years and are continuing on 25-11-1993 be regularised by the appointing authorities subject to fulfilment of the following conditions:

1) The persons appointed should possess the qualifications prescribed as per rules in force as on the date from which his/her services have to be regularised.

2) They should be within the age limits as on the date of appointment as NMR/Daily wage employee.

3) The rule of reservation wherever applicable will be followed and back-log will be set-off against future vacancies.

4) Sponsoring of candidates from Employment Exchange is relaxed.

5) Absorption shall be against clear vacancies of posts considered necessary to be continued as per work-load excluding the vacancies already notified to the Andhra Pradesh Public Service Commission / District Selection Committee.

6) In the case of Workcharged Establishment, where there will be no clear vacancies, because of the fact that the expenditure on Workcharged is at a fixed percentage of P.S. charges and as soon as the work is over, the services of workcharged establishment will have to be terminated, they shall be adjusted in the other departments. District Offices provided there are clear vacancies of last Grade Service.

3. All the Department of Secretariat/Heads of Departments are requested to process the cases of

absorption/regularisation of services of N.M.Rs./Daily Wage employees etc. in pursuance of above scheme and obtain the clearance of Government in Finance & Planning (FW.PC.III) Department before orders are issued for such regularisation or absorption."

The 2nd respondent-Corporation had examined the cases of the writ petitioners along with other similarly placed employees and found that their cases are not squarely falling within the four corners of the scheme of regularisation announced by the State Government through G.O.Ms.No.212, dated 22-04-1994, referred to supra, but however, it had submitted proposals to the Commissioner, Civil Supplies and the Ex-Officio Secretary to the Government, Food & Civil Supplies & Consumer Affairs Department, Hyderabad on 14-11-1996, suggesting favourable consideration of the cases and claims of such of those employees, who are left over from being covered by the sweep of G.O.Ms.No.212, dated 22-04-1994.

It is asserted that no orders have been passed by the Commissioner of Civil Supplies and Ex-Officio Secretary to the Government, Food & Civil Supplies & Consumer Affairs Department, Hyderabad, on the proposal submitted by the Corporation so far and they are still pending with the Government.

As and when the State Government takes any decision either with regard to the proposals submitted by

the 2nd respondent-Corporation or otherwise for regularisation of the services of the employees, who are engaged on daily wage basis, nominal muster rolls or on temporary basis, I have no doubt in my mind, that the 2nd respondent-Corporation will carry it out faithfully and in the process, will consider the cases of the writ petitioners also for regularisation.

With these, the writ petition stands disposed of. No costs.

Nooty Ramamohana Rao, J

mrk

14th June 2007.